

**REMARKS**

This responds to the Office Action mailed on October 5, 2004.

Claims 1-25 are presently pending in this application.

**Double Patenting Rejection**

Claims 1-25 were rejected under the judicially created doctrine of double patenting over claims 1-26 of U.S. Patent No. 6,696,980 in view of Snyder, Demers et al., Bomans et al. (913), Oder et al. and Devino. The Examiner has noted that if the Terminal Disclaimer filed 6-15-04 is found acceptable, this double patenting rejection will have been overcome.

**§103 Rejection of the Claims**

Claims 1-13 and 21, and 23-24 were rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. To sustain an obviousness rejection each and every element or step in the rejected claims must be taught or suggested in the proposed combination of references.

Initially, Applicants incorporate by reference herein the previous arguments and remarks made by the Applicants with respect to the proposed combination of Snyder and DeMers.

Applicants respectfully disagree with the Examiner's assertion that the combined teachings of Snyder and DeMers teach or suggest a bezel having a transponder control integrated within that bezel. The Examiner seems to suggest that the bezel is irrelevant or may be suggested by the button locations presented in DeMers. Applicants have inferred this from the Examiner's statement on page 5 item number 7 where it is stated "Demers clearly teaches controls 20 in bezel area around display 10 . . ."

A bezel does provide utility and unique advantages that a non-bezel arrangement does not have. For example, the Examiner's attention is directed to Applicants original filed FIG. 1, where a number of the controls are optionally labeled on the controls themselves or labeled on portions of the bezel which are adjacent to the controls. See the XPDR (Transponder) control of FIG. 1, where the label "XPDR" is depicted within the bezel and adjacent to the XPDR control; also see the VNAV control, where the label "VNAV" is depicted within the VNAV control itself. The Bezel permits control configurations to more easily changed, such that new controls

do not have to be re-manufactured, all that is needed is a new bezel facing having different labels integrated thereon.

Therefore, Applicants respectfully disagree that the teachings of DeMers suggests a bezel simply because the buttons of DeMers happen to surround a display in the manner that a bezel may. Moreover, Applicants respectfully assert that the bezel is not *de minimis* and offers some unique manufacturing and packaging benefits that arrangements without bezels do not have.

Combining Snyder and DeMers does not render Applicants' independent claims obvious because the proposed combination lacks a bezel and that bezel would not have been derivable by one of ordinary skill in the art after reading and comprehending the Snyder and DeMers references. What is more likely, is that buttons would be placed around the periphery of all the displays in Snyder. Alternatively, each individual display of Snyder would include a plurality of buttons surrounding each individual display. In either proposed combination of the references, a bezel is still missing and such a bezel is positively recited and claimed in Applicants' independent claims. Correspondingly, the proposed combination of Snyder and DeMers fails to teach each and every step or element of Applicants' independent claims and therefore cannot be said to render Applicants' invention obvious.

Moreover, the Examiner has asserted that the buttons of DeMers include a transponder. As support for this conclusion, the Applicants were directed to column 9 lines 38-44 of DeMers, where it is asserted that a DeMer's button is a transponder button. Applicants respectfully assert that the set of buttons presented around the periphery of the display in DeMers is a "keyboard," which DeMers clearly and unambiguously asserts to be the case. DeMers, col. 4, lines 7-10.

The keyboard of buttons does not include a transponder control as the Examiner has asserted to be the case. The pilot uses the keyboard of buttons to get the display to a state that includes a transponder function, at which point the pilot uses buttons to select and to call a transponder function. There is no button in DeMers that is integrated into a bezel for a transponder control. What happens in DeMers is a keyboard is designed as a series of buttons that surround a display, the pilot accesses the buttons to provide input that drives display screens, some screens may depict a transponder function and through use of the keyboard at that particular state a transponder function may be selected. There is not a dedicated control in DeMers for a transponder and there is not a bezel.

Thus, in addition to a lack of a teaching for a bezel, Applicants respectfully assert that there is a lack of a teaching or a suggestion of teaching for a transponder control that is integrated into a bezel. For these reasons, Applicants respectfully requests that the Examiner reconsider and withdraw the present rejections with respect to the proposed combination of Snyder and DeMers.

Claims 14, 16-20 and 25 rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. and Bomans et al. (913).

Claim 25 is dependent from independent claim 21, therefore for the remarks presented above with respect to claim 21, the rejection with respect to claim 25 should be withdrawn.

With respect to claim 14, Applicants respectfully disagree with the Examiner's assertion that the claim language of claim 14 lacks structural limitations which would impart a meaning that the first and second displays are physically distinct and plural items.

Firstly, Applicants would like to point out that claim 14 is identified as a system and not as a method. Secondly, Applicants would like to point out that the first and second displays are asserted to be immediately adjacent to one another, suggesting and imparting a physical attribute associated with location which is consistent with items having physical structure.

Furthermore, there is no requirement that the claim language has to positively assert that elements (e.g., the first and second displays) are physical or structural items. The definition of display on its face imparts this limitation that the Examiner is seeking. Webster's defines a "display" as an electronic device, such as a cathode ray tube, that temporarily presents electronic information. *See Merriam-Webster Online at <http://www.m-w.com/>, keyword "display" used as a noun and not a verb, which is the manner in which claim 14 uses the word "display."* The claim language cannot be read so broadly that it runs contrary to how that term is normally understood, unless the claim language itself or the specification imparts a specific and contrary definition.

Applicants respectfully assert that the Examiner has incorrectly interpreted the term display in contradiction to how the term is understood in its normal and ordinary meaning and in contradiction to how that term is used in the Applicants' specification for purposes of improperly rendering claim 14 obvious.

Applicants assert that this is improper and that the interpretation is incorrect; therefore, Applicants respectfully request that the rejection be withdrawn, because as was point out in Applicants' prior response the Bomans' reference does not teach plural display structures. There is a single Multipurpose Control Display Unit (MCDU), which is a single display having a single screen. *Emphasis added.* The MCDU has multiple regions within a single screen and each region is grouped into zones. The two identical displays asserted by the Examiner are in fact different zones within a single display and within a single screen. The Examiner appears to have recognized this fact, and is now relying on how the Examiner interprets the word "display" in Applicants claim 14. But, that interpretation cannot run contrary to how that term is understood and defined in the electronic arts. A display is understood as an electronic device, and a device imparts the structure that the Examiner asserts he is looking for.

Accordingly, Applicants respectfully assert that the rejection with respect to claim 14 is improper and should be reconsidered by the Examiner and withdrawn.

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al., Bomans et al. (913) and Oder et al. Claim 15 is dependent on claim 14, therefore for the remarks presented above with respect to claim 14, the rejection of claim 15 should be withdrawn.

Claim 22 was rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. and Devino. Claim 22 is dependent on independent claim 21, therefore for the remarks presented above with respect to claim 21, the rejection of claim 22 should be withdrawn.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DALE LANGER ET AL.

By their Representatives,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of January, 2005.

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Name

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